

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE M. CLAY,
Petitioner,

v.

ROBERT NEUSCHNID, et al.,
Respondents.

Case No. [19-cv-06320-KAW](#) (PR)

ORDER TO SHOW CAUSE

Petitioner, a California prisoner, filed this amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his conviction in the Contra Costa County Superior Court. It does not appear from the face of the petition that it is without merit. Good cause appearing, therefore, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve electronically a copy of this Order upon Respondent and Respondent's attorney, the Attorney General of the State of California, at the following email address: SFAWTParalegals@doj.ca.gov. The petition and the exhibits thereto are available via the Electronic Case Filing System for the Northern District of California. The Clerk also shall serve by mail a copy of this Order on Petitioner.

2. No later than sixty days from the date of this Order, Respondent shall file with this Court and serve upon Petitioner an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer all portions of the state record that have been transcribed previously and are relevant to a determination of the issues presented by the petition. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent within forty-five days of his receipt of the Answer. If he does not do so, the

petition will be deemed submitted and ready for decision on the date the Traverse is due.

3. No later than sixty days from the date of this Order, Respondent may file with this Court and serve upon Petitioner a motion to dismiss on procedural grounds in lieu of an Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an opposition or statement of non-opposition to the motion within forty-five days of receipt of the motion, and Respondent shall file with the Court and serve on Petitioner a reply within fourteen days of receipt of an opposition.

4. It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court informed of any change of address by filing a separate paper with the Clerk headed "Notice of Change of Address," and must comply with the Court's orders in a timely fashion. He also must serve on Respondent's counsel all communications with the Court by mailing a true copy of the document to Respondent's counsel.

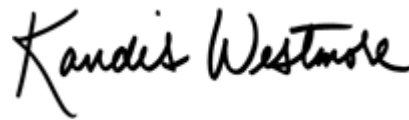
5. Extensions of time are not favored, though reasonable extensions will be granted. Any motion for an extension of time must be filed no later than **three** days prior to the deadline sought to be extended.

6. Respondent shall file his Consent or Declination to Magistrate Judge Jurisdiction on or before the date his answer is due.

This form can be found at www.cand.uscourts.gov/civilforms.

IT IS SO ORDERED.

Dated: April 21, 2020



KANDIS A. WESTMORE
United States Magistrate Judge